

### REMARKS

Entry of this amendment is respectfully requested.

Claims 11-20 were rejected under 35 U.S.C. §102(b), or in the alternative, under 35 U.S.C. §103(a), for allegedly being obvious over WO 98/05421 (Podwirny). Applicants respectfully traverse.

Podwirny relates to "...stable dispersions of finely divided particles of metals and metal compounds that provide metal passivation properties to zeolite containing cracking catalysts." (see WO 98/05421, p.1, lines 5 to 8). As noted at Podwirny is interested in overcoming problems associated with hydrocarbon cracking, such as accumulation of heavy metals on the catalyst which leads to decreased yields of gasoline. (see p. 2, lines 9 to 24). The effect of the heavy metals could be reduced by the usage of metal passivation agents which are directly introduced at a carefully controlled rate into the hydrocarbon catalytic cracking unit (p. 3, lines 14, 15). To overcome the aforementioned problem, Podwirny proposes to provide a dispersion comprising: a fluid vehicle; a dispersion agent; and finely milled particles of one or more metals or metal compounds for passivation of metal contaminated cracking catalyst within a hydrocarbon catalytic cracking unit, said particles having a volumetric average particle size of less than 0.5 micron." (see claim 1).

The mentioned problem and the proposed solution therefore have nothing in common with the presently claimed invention because a passivation agent is not a subject of claim 1. More specifically, it is claimed in claim 11:

11. .. A process comprising producing a catalyst preparation by comminuting a catalyst containing at least one inorganic compound which is solid under standard conditions with a dispersion unit size  $d_{50,3}$  of  $2\mu\text{m}$ , implemented in accordance with DIN 66141 and DIN 66144, and is distributed at a concentration of from 1 to 50 wt.%, relative to the finished catalyst preparation, in a liquid.

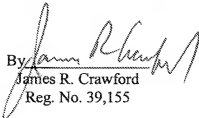
No heavy metals will or should be passivated by such a catalyst. The catalyst preparations produced according to the invention are used, inter alia, in condensation and polycondensation reactions (for example the admiration of carboxylic acids, etherification's of carboxylic acids and their hydrolysis), in transterifications of esters, in transamidations of amides, in rearrangements (for example alpha-pinene into camphene, aldol reaction) and in olefin polymerization. (see paragraph bridging p. 6 to 7 and claim 18). Given the differences set forth above, withdrawal of this rejection is respectfully requested.

Issuance of a Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-DNAG-323-US.

Respectfully submitted

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